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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

YARILSA LOZADA CRUZ

Debtor

CASE NO. 18-00044 MCF

CHAPTER 13

OBJECTION TO CONFIRMATION OF PLAN

TO THE HONORABLE COURT:

Comes now secured creditor Banco Popular de Puerto Rico ("BPPR"), through its undersigned counsel and very respectfully states and requests:

1. On January 5, 2018, Debtor filed her Voluntary Petition under Chapter 13 of the Bankruptcy Code.
2. On the abovestated date, Debtor filed her Chapter 13 Plan (the "Plan") (Docket No. 2).
3. The confirmation hearing has been scheduled for March 9, 2018, at 1:30 p.m. (Docket No. 5).
4. On January 19, 2018, BPPR filed its proof of claim in the amount of \$66,328.39, including pre-petition arrears in the amount of \$2,164.67 (see Proof of Claim ["POC"] No. 2).
5. BPPR is a secured creditor in the instant case and the holder in due course of a mortgage note encumbering a real property located at Río Abajo Ward, Com. El Batey, Humacao, PR (see POC No. 2).
6. BPPR has carefully reviewed Debtor's Plan and hereby objects to the confirmation of said Plan on the following grounds:¹

¹ BPPR reserves the right to raise any other objections to the Plan, besides those here submitted and/or to supplement those objections at the hearing on confirmation or otherwise. Nothing contained herein shall be construed as a waiver of any such additional objections.

7. As filed, Debtor's Plan fails to comply with the requirements set forth in Sections 1325 and 1322(b)(2) of the Bankruptcy Code, since Debtor fails to mention BPPR, fails to indicate the secured arrears to be distributed under the Plan by the Trustee and fails to indicate the mortgage loan number or claim number.

8. Title 11 U.S.C. §1325(a)(1), (3) and (5) provide, among other, that the Court shall confirm a plan if:

(1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title;

...

(3) the plan has been proposed in good faith and not by any means forbidden by law;

...

*(5) With respect to each allowed secured claim provided for by the plan—
(A) the holder of such claim has accepted the plan; ..."*

9. In the event Debtor files an Amended Plan resolving the objections raised herein, BPPR has no opposition that this Objection be deemed withdrawn or considered moot.

10. Any amended Chapter 13 Plan must provide for the payment of \$500.00 to BPPR for the legal expenses incurred in the filing and prosecution of this objection to confirmation.

11. For the reasons stated above, BPPR objects to the confirmation of the Plan.

WHEREFORE, it is respectfully requested that this Court takes notice of the above stated, deny the confirmation of the Plan and grant any other relief as it deems just and proper.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this motion with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law;

(ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants including but not limited to Monsita Lecaroz Arribas, Esq., José R. Carrión Morales, Esq., Chapter 13 Trustee, and Debtor's Attorney, Roberto Figueroa Carrasquillo, Esq.

Ponce, Puerto Rico, this 22nd day of January, 2018.

/s/José A. Moreda del Valle
José A. Moreda del Valle, Esq.
USDC-PR 229401

JOSE A. MOREDA DEL VALLE
LAW OFFICE
Attorney for BPPR
4002 Aurora St.
Ponce, PR 00717-1513
Tel.: 787-842-1609
Tel./Fax: 787-842-1604
E-mail: moredadelvalle@jmdvlaw.com